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Docket # PF-0181-2 CON

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By: Nancy L. Glynn
Printed: Nancy L. Glynn

09/09/2001
09/898216
U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **CONTINUATION** application under 37 CFR 1.53(b) of pending prior application Serial No.09/095,351, filed on June 9, 1998 , entitled NOVEL HUMAN MEMBRANE PROTEIN, which is a divisional of pending prior application Serial No. 08/781,562, filed on January 9, 1997, entitled NOVEL HUMAN MEMBRANE PROTEIN.

1. Enclosed is a specification corresponding to the prior application, U. S. Application Serial No.09/095,351 filed June 9, 1998, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant continuation application is identical with the computer readable form filed with Serial No. 08/781,562, filed on January 9, 1997, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 08/781,562 as the computer readable form for the instant continuation application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant continuation application.
3. Cancel in this application original claims 4, 5, 19, 21, 22, 24-27, and 30-45 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.
4. The inventor(s) of the invention being claimed in this application is (are): Jennifer L. Hillman,

and Surya K. Goli.

5. In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on May 12, 1997 is enclosed.

6. Amend the specification by inserting after the title: "This application is a continuation application of U.S. application serial number 09/095,351, filed June 9, 1998 , all of which applications and patents are hereby incorporated herein by reference."

7. The filing fee is calculated below:

| Claims | Number Filed | Minus | Number Extra | Other Than Small Entity Rate | | Basic Fee |
|--|--------------|-------|--------------|------------------------------|----------|-----------|
| | | | | Fee | \$710.00 | |
| Total Claims | 20 | -20 | 0 | x \$18 | | \$0 |
| Indep. Claims | 2 | -3 | 0 | x \$80 | | \$0 |
| <u>Multiple Dependent Claim(s), if any</u> | | | | + \$270 | | \$0 |

TOTAL FILING FEE \$ 710.00

8. An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.

9. Please charge Deposit Account No. 09-0108 in the amount of \$ 710.00.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A **duplicate** copy of this Request is enclosed.

10. New formal drawings are enclosed.

11. The prior application is assigned of record to Incyte Pharmaceuticals, Inc, recorded on May 19, 1997, at reel 8554 / frame 0836.

12. A preliminary amendment is enclosed.

13. Also enclosed _____.

14. The power of attorney of the prior application is to:

Narinder S. Banait
Lucy J. Billings

Reg. No. 43,482
Reg. No. 36,749

| | |
|---------------------------|------------------------|
| Michael C. Cerrone | Reg. No. 39,132 |
| Diana Hamlet-Cox | Reg. No. 33,302 |
| Colette C. Muenzen | Reg. No. 39,784 |
| Lynn E. Murry | Reg. No. 42,918 |
| Leanne C. Price | Reg. No. 42,090 |
| Susan K. Sather | Reg. No. 44,316 |
| David G. Streeter | Reg. No. 43,168 |

The associate power of attorney in the prior application is to:

a. An associate power of attorney is attached.

b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. Address all future correspondence to:

INCYTE GENOMICS, INC.
PATENT DEPARTMENT
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: 2 July 2001

By: D. Hamlet-Cox

Diana Hamlet-Cox
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Inventor(s)
 Assignee of complete interest
 Attorney or agent of record
 Filed under 37 CFR 1.34(a)
 Registration number if acting under 37 CFR 1.34(a) _____